

AN ORDINANCE BY

COUNCILMEMBER JIM MADDOX

AN ORDINANCE AUTHORIZING THE CITY OF ATLANTA TO WAIVE THE COMPETITIVE PROCUREMENT PROVISIONS CONTAINED IN ARTICLE X, PROCUREMENT AND REAL ESTATE CODE OF THE CITY OF ATLANTA CODE OF ORDINANCES, AUTHORIZING THE MAYOR, ON BEHALF OF THE CITY OF ATLANTA ("CITY"), TO NEGOTIATE FOR AND TO PURCHASE APPROXIMATELY 3.63 ACRES, LOCATED AT 3880 CAMPBELLTON ROAD ("THE BEN HILL PARK EXPANSION") FROM THE CONSERVATION FUND (TCF,) IN AN AMOUNT NOT TO EXCEED SIX HUNDRED FIFTY TWO THOUSAND DOLLARS (\$652,000.00), FOR THE PURPOSE OF EXPANDING THE EXISTING BEN HILL PARK. THE CITY'S PURCHASE PRICE, DUE DILIGENCE, PURCHASE SERVICES AND DEVELOPMENT COSTS SHALL BE PAID FROM QUALITY OF LIFE BOND 3 FUNDS ACCOUNT SEGMENT/PATEO NUMBERS: 13102550 (PROJECT) 102 (TASK) 313821776 (AWARD) 5411001 (EXPENSE TYPE-LAND); AND ACCOUNT SEGMENT NUMBERS-3138 FUND 2008 A QUALITY OF LIFE IMPROVEMENT BOND FUND, 130308 DEPT/ORG DPW TRANSPORTATION DESIGN, 5411001 ACCOUNT LAND, 4270000 FUNCTION TRAFFIC ENGINEERING, 102550 PROJECT GREENWAY TRAIL PROJECTS, 21776 FUNDING SOURCE 2008 QOL BOND 9999 IN AN AMOUNT EQUAL TO FIVE HUNDRED FORTY TWO THOUSAND DOLLARS (\$542,000.00) AND FROM PARK IMPACT FEE WEST FUND IN AN AMOUNT NOT TO EXCEED ONE HUNDRED TEN THOUSAND DOLLARS (\$110,000.00) STATED BELOW; AND AMENDING THE 2008 GENERAL GOVERNMENT CAPITAL OUTLAY FUND BUDGET DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT BY TRANSFERRING FROM AND TO ACCOUNTS LISTED IN THE ORDINANCE ALL COSTS SHALL BE CHARGED TO AND PAID FROM THE ACCOUNT SEGMENT / PTAE0 NUMBERS IDENTIFIED IN THIS ORDINANCE; AND FOR OTHER PURPOSES.

**WHEREAS,** The Conservation Fund ("TCF") is negotiating for or has contracted for approximately 3.63 acres of property, located at 3880 Campbellton Road, Atlanta, Georgia, Parcel Identification Numbers 14F-0006-0002-032-0 and 14F-0006-0002-033-8 ("the Ben Hill Park Expansion Property") for the purpose of expanding the existing Ben Hill Park (See Attached Exhibit "A"); and

**WHEREAS,** TCF has agreed to sell the Ben Hill Park Expansion Property to the City subject to the appropriate City approval processes; and

**WHEREAS,** TCF is a non-profit, 501(c)(3) organization, whose mission is to conserve land and whose work involves working with public agencies to purchase properties for

this purpose, and to hold such properties until the public agency has the funds to purchase the properties; and

**WHEREAS**, purchasing the Ben Hill Park Expansion Property is consistent with the City’s goals of greenspace acquisition, preservation and park expansion.

**THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA HEREBY ORDAINS, as follows:**

**SECTION 1:** The Chief Procurement Officer or his designee, on behalf of the City, is hereby authorized to negotiate with The Conservation Fund to purchase real property located on 3883 Campbellton Road, Parcel Identification Numbers 14F-0006-0002-032-0 and 14F-0006-0002-033-8 (“the Ben Hill Park Expansion Property”) for the purpose of expanding the existing Ben Hill Park.

**SECTION 2:** The Chief Procurement Officer or his designee is hereby authorized to obtain or review surveys, title reports, environmental assessments, and appraisals to establish the Fair Market Value of the Ben Hill Park Expansion Property. In addition, the Chief Procurement Officer, or his or her designee, is authorized to obtain and pay for those items and services necessary to purchase the Ben Hill Park Expansion Property, including but not limited to title insurance, real estate service fees, demolition, site development, fencing, closing costs and other costs of acquisition (the “City’s Due Diligence and Purchase Services”).

**SECTION 3:** The 2008 General Government Capital Outlay Fund Budget, Department of Planning and Community Development is hereby amended as follows:

**TRANSFER FROM APPROPRIATIONS**

\$110,000.00 from 3502 (General Government Capital Fund) 100101 (DOF Chief Financial Officer) 5999901 (Reserve Conversion Account – Class 1) 1320000 (Chief Executive) 201072 (Admin. Development Recoupment Fees) 91110 (Funding Source SWMA Loan 9991)

Project: 10201072  
Task: 101  
Award: 350291110  
Expense: 5999901 RESERVE  
Org City of Atlanta

**TOTAL** **\$110,000.00**

**TRANSFER TO APPROPRIATIONS**

\$110,000.00 to 3502 (General Governmental Capital Fund) 140106 (PRC Parks Design) 5411001 (Land) 6220000 (Parks Areas) 201997 (Green Space Program,) 91107 (Funding Source SWMA Loan 9987)

Project: 14201997  
Task: 102  
Award: 350291107  
Expense: 5411001 LAND  
Org City of Atlanta

**TOTAL** **\$110,000.00**

**SECTION 4:** The City's Purchase Price, plus Closing Costs, Development Costs, and Due Diligence and Purchase Services, shall be in an amount not to exceed Six Hundred Fifty Two Thousand Dollars (\$652,000.00). The City's Purchase Price, Due Diligence, Purchase Services and Development Costs shall be paid from Quality Of Life Bond 3 Funds Account Segment/PATEO Numbers: 13102550 (PROJECT) 102 (TASK) 313821776 (AWARD) 5411001 (EXPENSE TYPE-LAND); and ACCOUNT SEGMENT NUMBERS-3138 Fund 2008 A Quality of Life Improvement Bond Fund, 130308 Dept/Org DPW Transportation Design, 5411001 Account Land, 4270000 Function Traffic Engineering, 102550 Project Greenway Trail Projects, 21776 Funding Source 2008 QOL Bond 9999 in an amount equal to Five Hundred Forty Two Thousand Dollars (\$542,000.00). And from Park Impact Fee West Fund Account Segment/PATEO Numbers: 14201997 (PROJECT) 102 (TASK), 350291107 (AWARD), 5411001 (EXPENSE TYPE- LAND), and ACCOUNT SEGMENT NUMBERS - 3502-General Government Capital Fund, 140106-PRC Parks Design, 5411001-Land, 6220000-Parks Areas, 201997-Project Green Space Program, 91107-Funding Source- SWMA Loan 9987 in an amount not to exceed One Hundred Ten Thousand Dollars (\$110,000.00.)

**SECTION 5:** Upon acquisition, the Department of Parks, Recreation, and Cultural Affairs, Office of Parks, is hereby charged with all responsibility for the Ben Hill Park Expansion Property and shall retain the land in perpetuity as a public park. Nothing in this section shall preclude a neighborhood group(s) or other private entity from maintaining all or part of the property pursuant to an agreement with the City.

**SECTION 6:** The City's Greenspace Acquisition Consultant ("the Consultant") is authorized to settle the acquisition of the Ben Hill Park Expansion Property at an amount authorized by the Chief Procurement Officer. The Consultant may also arrange and negotiate for the Due Diligence and Purchase Services.

**SECTION 7:** The requirements of the City Code Section 2-1541 (d), of the Procurement and Real Estate Code, are waived, for purposes of the Ben Hill Park Expansion Project

only, to allow the purchase of the Ben Hill Park Expansion Property, on behalf of the City, without further authorization by the City Council.

**SECTION 8:** The Mayor, on behalf of the City, is authorized to execute any and all deeds, instruments or other documents that the City Law Department deems to be necessary or advisable in order to carry out the purposes and intent of this Ordinance.

**SECTION 9:** The City Attorney is hereby directed to prepare for execution by the Mayor, any and all deeds, instruments, or other documents that the City Attorney deems necessary or advisable to carry out the purposes and intent of this Ordinance.

**SECTION 10:** Said deeds, instruments, or other documents shall not become binding upon the City, and the City shall incur neither obligation nor liability thereunder, until the same has been approved by the City Attorney as to form, attested to by the Municipal Clerk, and signed by the Mayor.

**SECTION 11:** All ordinances and parts of ordinances in conflict herewith are hereby waived for purposes of this Ordinance only, and only to the extent of the conflict. All resolutions and parts of resolutions in conflict herewith are hereby waived, but only to the extent of such conflict.